

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

In re:  AKORN HOLDING COMPANY LLC, <i>et al.</i> , <sup>1</sup>  Debtors.	Chapter 7  Case No. 23-10253 (KBO) (Jointly Administered)
GEORGE MILLER, Chapter 7 Trustee of the bankruptcy estates of Akorn Holding Company LLC, <i>et al.</i> ,  Plaintiff,  v.  DILIGENT CORPORATION,  Defendant.	Adv. Proc. No. 25-50083 (KBO)

**SUMMONS AND NOTICE OF PRETRIAL CONFERENCE IN AN  
ADVERSARY PROCEEDING**

YOU ARE SUMMONED and required to file a motion or answer to the complaint which is attached to this summons with the Clerk of the Bankruptcy Court within 30 days after the date of issuance of this summons, except that the United States and its offices and agencies shall file a motion or answer to the complaint within 35 days.

Address of Clerk: 824 Market Street, 3<sup>rd</sup> Floor  
Wilmington, DE 19801

At the same time, you must also serve a copy of the motion or answer upon the Plaintiff's attorneys.

Evan T. Miller, Esquire  
Paige N. Topper, Esquire  
SAUL EWING LLP  
1201 North Market St., Ste 2300  
Wilmington, DE 19801

Michelle G. Novick, Esquire  
SAUL EWING LLP  
161 North Clark Street, Ste 4200  
Chicago, IL 60601

Turner N. Falk, Esquire  
SAUL EWING LLP  
1500 Market Street, 38th Fl.  
Philadelphia, PA 19102

If you make a motion, your time to answer is governed by Fed. R. Bankr. P. 7012.

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<sup>1</sup> The Debtors in the chapter 7 cases, along with the last four digits of each Debtor's federal tax identification number, are Akorn Holding Company LLC (9190), Akorn Intermediate Company LLC (6123), and Akorn Operating Company LLC (6184). The Debtors' headquarters was located at 5605 CenterPoint Court, Gurnee, Illinois 60031.

YOU ARE NOTIFIED that a pretrial conference of the proceeding commenced by the filing of the complaint will be held at the following time and place.

***Address:***

U.S. Bankruptcy Court  
824 Market Street  
Wilmington, DE 19801

***Room:***

6th Floor, Courtroom #3

***Date and Time:***

July 10, 2025 at 11:00 a.m. (ET)

**IF YOU FAIL TO RESPOND TO THIS SUMMONS, YOUR FAILURE WILL BE DEEMED TO BE YOUR CONSENT TO ENTRY OF A JUDGMENT BY THE BANKRUPTCY COURT AND JUDGMENT BY DEFAULT MAY BE TAKEN AGAINST YOU FOR THE RELIEF DEMANDED IN THE COMPLAINT.**

United States Bankruptcy Court  
for the District of Delaware

Date: April 28, 2025

/s/ Una O'Boyle

*Clerk of the Bankruptcy Court*



**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

In re:

AKORN HOLDING COMPANY LLC, *et al.*,<sup>2</sup>  
  
Debtors.

Chapter 7

Case No. 23-10253 (KBO)  
(Jointly Administered)

GEORGE MILLER, Chapter 7 Trustee of the  
bankruptcy estates of Akorn Holding Company  
LLC, *et al.*,

Plaintiff,

v.

DILIGENT CORPORATION,

Defendant.

Adv. Proc. No. 25-50083 (KBO)

**NOTICE OF DISPUTE RESOLUTION ALTERNATIVES**

As party to litigation you have a right to adjudication of your matter by a judge of this Court. Settlement of your case, however, can often produce a resolution more quickly than appearing before a judge. Additionally, settlement can also reduce the expense, inconvenience, and uncertainty of litigation.

There are dispute resolution structures, other than litigation, that can lead to resolving your case. Alternative Dispute Resolution (ADR) is offered through a program established by this Court. The use of these services are often productive and effective in settling disputes. **The purpose of this Notice is to furnish general information about ADR.**

The ADR structures used most often are mediation, early-neutral evaluation, mediation/arbitration and arbitration. In each, the process is presided over by an impartial third party, called the “neutral”.

In mediation and early neutral evaluation, an experienced neutral has no power to impose a settlement on you. It fosters an environment where offers can be discussed and exchanged. In the process, together, you and your attorney will be involved in weighing settlement proposals and crafting a settlement. The Court in its Local Rules requires all ADR processes, except threat of a potential criminal action, to be confidential. You will not be prejudiced in the event a settlement is not achieved because the presiding judge will not be advised of the content of any of your settlement discussions.

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Mediation/arbitration is a process where you submit to mediation and, if it is unsuccessful, agree that the mediator will act as an arbitrator. At that point, the process is the same as arbitration. You, through your counsel, will present evidence to a neutral, who issues a decision. If the matter in controversy arises in the main bankruptcy case or arises from a subsidiary issue in an adversary proceeding, the arbitration, though voluntary, may be binding. If a party requests de novo review of an arbitration award, the judge will rehear the case.

**Your attorney can provide you with additional information about ADR and advise you as to whether and when ADR might be helpful in your case.**

Dated: April 28, 2025

/s/ Una O'Boyle

Una O'Boyle  
Clerk of Court

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

In re:

AKORN HOLDING COMPANY LLC, *et al.*,<sup>3</sup>

Debtors.

Chapter 7

Case No. 23-10253 (KBO)  
(Jointly Administered)

GEORGE MILLER, Chapter 7 Trustee of the  
bankruptcy estates of Akorn Holding Company LLC,  
*et al.*,

Plaintiff,

v.

DILIGENT CORPORATION,

Defendant.

Adv. Proc. No. 25-50083 (KBO)

**CERTIFICATE OF SERVICE**

I, Evan T. Miller, certify that I am, and at all times during the service of process was, not less than 18 years of age and not a party to the matter concerning which service of process was made. I further certify that the service of the Complaint, Summons and Notice of Dispute Resolution Alternatives was made on April 28, 2025 by:



Mail Service: Regular, first class United States mail, postage fully pre-paid, addressed to:

Diligent Corporation  
C/O The Corporation Trust  
Corporation Trust Center  
1209 Orange Street  
Wilmington, DE 19801



Electronic Mail ("E-Mail"): By e-mailing with defendant or defendant's counsel at the below address: Jason Teele: steele@sillscummis.com



Personal Service: By Leaving the process with defendant or with an officer or agent of defendant at:

<sup>3</sup> The Debtors in the chapter 7 cases, along with the last four digits of each Debtor's federal tax identification number, are Akorn Holding Company LLC (9190), Akorn Intermediate Company LLC (6123), and Akorn Operating Company LLC (6184). The Debtors' headquarters was located at 5605 CenterPoint Court, Gurnee, Illinois 60031.

- ☐ Residence Service: By leaving the process with the following adult at:
- ☐ Certified Mail Service on an Insured Depository Institution: By sending the process by certified mail addressed to the following officer of the defendant at:
- ☐ Publication: The defendant was served as follows: [Describe briefly]
- ☐ State Law: The defendant was served pursuant to the laws of the State of \_\_\_\_\_, as follows: [Describe briefly]

Under penalty of perjury, I declare that the foregoing is true and correct.

/s/ Evan T. Miller

Evan T. Miller (DE Bar No. 5364)  
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Dated: April 28, 2025